

# *House Appropriations Committee*

*Chairman Hal Rogers*

Website address: <http://appropriations.house.gov/>

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Contact: Jennifer Hing, (202) 226-7007

## **Summary: Fiscal Year 2012 Appropriations “Mini-Bus”** **Agriculture, Commerce/Justice/Science, Transportation/Housing and Urban Development, and Continuing Resolution**

The House will vote this week on the final conference report on the Fiscal Year 2012 Agriculture, Commerce/Justice/Science (CJS), and Transportation/Housing and Urban Development (THUD) Appropriations bill – also known as the “Mini-bus” (House Report 112-284). The package also contains a Continuing Resolution (CR) to avoid a government shutdown and continue federal operations until December 16, 2011 – or until Congress completes the remaining nine FY 2012 Appropriations bills. This CR is a “clean” extension and includes no new funding provisions.

The legislation will prevent a potential government shutdown, support important programs and services that the American people rely on, and make hard but necessary cuts to help reduce the nation’s deficit. The bill also includes several significant policy items that will help rein in government growth and over-reach and help put our economy on more stable footing. The conference report was approved by the Conference Committee on wide bipartisan basis with all but one of 38 House and Senate conferees signing off on the package.

### **Bill Summary:**

**Overall Funding Levels**– The Conference Report upholds the overall regular (base) discretionary level of \$1.043 trillion as agreed to in the Budget Control Act (BCA). The legislation also includes \$2.3 billion disaster relief funding, which falls under the “disaster designation” cap set by the BCA.

**Continuing Resolution** – Funding for all federal programs and agencies not included in the three underlying Appropriations bills in this conference agreement will be extended until December 16, 2011. This is a date-change extension only – no other funding changes are included in the CR portion of the agreement.

**Agriculture** – The Agriculture agencies and programs in this bill will receive a total of \$136.6 billion in both discretionary and mandatory funding, a reduction of \$4.6 billion from the President’s request based on the Administration’s Mid-Session Review. Discretionary funding in the legislation totals \$19.8 billion – a reduction of \$350 million below last year’s level and a cut of \$2.5 billion from the President’s request.

- **Agricultural Research** – The conference agreement provides more than \$2.5 billion for agricultural research programs, including the Agricultural Research Service and the National Institute of Food and Agriculture. This is a reduction of \$53 million from the fiscal year 2011 level. While trimming spending, this funding level will support research on critical agricultural

issues, including emerging crop and livestock diseases, food safety and water quality, and maintains the nation's investment in land-grant and other agricultural colleges and universities.

- **Animal and Plant Health** – The bill includes \$820 million – \$47 million below last year's level – for the Animal and Plant Health Inspection Service (APHIS). This funding level will continue support for programs to enhance control or eradication of plant and animal pest and diseases.
- **Farm Service Agency (FSA), Salaries and Expenses** – The conference agreement provides \$1.2 billion for FSA Salaries and Expenses, a decrease of \$9 million below the fiscal year 2011 level and \$158 million below the President's request. Of the total, the bill provides not less than \$66.7 million for the continued modernization (MIDAS) of FSA's information technology systems to streamline farm program delivery and business processes.
- **Conservation Programs** – The conference agreement provides \$844 million for Natural Resource Conservation Service (NRCS) programs – a reduction of \$45 million below the fiscal year 2011 level. This funding includes \$828 million for conservation operations to help farmers, ranchers and private forest landowners to conserve, protect and enhance their land.
- **Food Safety and Inspection Service** – The bill includes \$1 billion for food safety and inspection programs – approximately the same as last year's level. This funding level will continue critical meat, poultry, and egg product inspection and testing activities, expand a poultry inspection pilot project that will lead to food safety improvements, and help address new concerns with the pathogen E. coli.
- **Food and Drug Administration (FDA)** – The FDA receives a total of nearly \$2.5 billion in discretionary funding in the bill – \$50 million above last year's level and \$234 million below the President's request. Total funding for the FDA, including user fees, is \$3.8 billion. The conference agreement provides for responsible increases in food safety as well as the advancement of medical countermeasures.
- **Food and Nutrition Programs** – Mandatory food and nutrition programs within the Department of Agriculture – including SNAP (formerly Food Stamps) and child nutrition – are funded at \$98.6 billion – \$2 billion less than the President's request based on the Administration's Mid-Session Review. This funding will allow all individuals and families who meet the programs' criteria for aid to receive all the benefits available to them, and includes \$3 billion in reserve funds in case of unanticipated increases in participation or food price increases.
  - **Child nutrition programs** – School lunch and school breakfast programs will receive \$18.2 billion in mandatory funding in the agreement. This funding will help provide low-income students with free or reduced-price meals at schools in every community in the nation. In addition, the conference agreement includes provisions to prevent overly burdensome and costly regulations and to provide greater flexibility for local school districts to improve the nutritional quality of meals in the National School Lunch and School Breakfast Programs. Without these provisions, the cost of these important programs would balloon by an additional \$7 billion over the next five years – leaving states and local school districts in the lurch.
  - **Women, Infants, and Children (WIC) nutrition program** – WIC is funded at \$6.6 billion – \$570 million above the House-passed level and \$36 million above the Senate

passed level. This funding will provide supplemental foods, as well as nutritional and other preventative health services, to low income participants.

- **Livestock Marketing** – The bill places restrictions on the implementation of a Grain Inspection and Packers and Stockyards Administration (GIPSA) proposed rule that would have allowed harmful government interference in the private market for livestock and poultry.
- **Rural Economic Development** – The conference agreement provides \$2.25 billion for rural development programs – \$180 million below the fiscal year 2011 level. This funding includes \$42.5 million to support \$900 million in loan authority for the “502” direct single-family housing loan program – a program that helps low-income Americans who live in rural areas purchase homes. In addition, the conference agreement provides \$900 million for the rental assistance program to help provide affordable housing for rural low-income families and the elderly.

To help bolster rural economies, the conference agreement provides \$75 million for the Business and Industry Loan Guarantee program, which will support \$822 million in loan authority for rural businesses. The conference agreement also provides \$513 million for rural water and waste programs, \$7.7 billion in loans for the rural electric and telecommunications program, and \$212 million in loans for broadband deployment in rural areas.

- **Commodity Futures Trading Commission (CFTC):** The conference agreement provides \$205 million for the CFTC – a reduction of \$103 million below the President’s request. This funding level provides adequate resources to ensure sound financial markets while preventing regulatory overreach.

**Commerce, Justice, Science** – The CJS section of the conference report includes a base total of \$52.7 billion, a decrease of \$583 million below last year’s level, and a decrease of almost \$5 billion below the President’s request.

**Department of Commerce:** The bill includes \$7.6 billion for Commerce, an increase of \$26 million above fiscal year 2011 and a reduction of \$1.2 billion, or 14%, below the President’s request.

- **International Trade Administration (ITA)** – The ITA is funded at \$465 million – \$15 million above fiscal year 2011. The additional funds will support high-priority National Export Initiatives to boost U.S. exports.
- **Patent and Trademark Office (PTO)** – The bill provides \$2.7 billion for the PTO – the full requested level. This amount is \$588 million, or 28%, above last year’s level. The bill also includes language that allows PTO to keep and use excess fees should actual collections exceed estimates, subject to Congressional approval of spending plans.
- **National Institute of Standards and Technology (NIST)** – NIST is funded at \$751 million, including an increase of \$33 million above last year to support core NIST scientific research programs that help advance U.S. competitiveness, innovation, and economic growth. In addition, funding for the Manufacturing Extension Partnership program – which provides training and technical assistance to U.S. manufacturers – is maintained at last year’s level of \$128 million.
- **National Oceanic and Atmospheric Administration (NOAA)** – The bill provides \$4.9 billion for NOAA, which is \$306 million (7%) above fiscal year 2011 and \$592 million (-11%) below the

President's request. Within this total, National Weather Service operations are funded at \$903 million – \$24 million above the current year – and a total of \$924 million is included for the Joint Polar Satellite System weather satellite program to ensure the continuity of critical weather forecast data. The conference agreement does NOT include funding to establish a new NOAA Climate Service. The Administration requested \$322 million to establish this new entity within NOAA.

- **Census Bureau** – The Census Bureau is funded at \$888 million, which is \$261 million below fiscal year 2011. This funding level will support the conduct of the Economic Census and planning and cost control efforts related to the 2020 Decennial Census.
- **Economic Development Administration (EDA)** – The bill includes \$257 million in base funding for the EDA – \$26 million below last year – and an additional \$200 million in disaster relief funding to respond to recent natural disasters. The bill also includes \$5 million for a grant program to work with U.S. businesses to bring off-shored jobs back to the U.S.

**Department of Justice (DOJ)** – The bill funds DOJ at \$27.1 billion, an increase of \$18 million above last year's level and \$1.3 billion below the President's request. This funding level will provide for the continuation of critical legal and security activities at DOJ, while trimming spending in lower priority and nonessential areas.

- **Federal Bureau of Investigation (FBI)** – The bill includes \$8.1 billion for the FBI – an increase of \$192 million above last year's level. This includes increases for national security programs, investigations of computer attacks, Weapons of Mass Destruction (WMD) programs, analyst training, and violent crime and gang reduction programs.
- **Drug Enforcement Administration (DEA)** – The DEA is funded at \$2 billion, an increase of \$20 million above last year's level and \$7 million below the President's request. This includes an increase of \$32 million for regulatory and enforcement efforts to combat prescription drug abuse, \$12.5 million (by transfer) to assist states and communities with hazardous material clean-up at meth lab sites, and \$10 million for temporary facilities for 100 additional staff at the Southern Border related to counternarcotics intelligence efforts.
- **Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)** – The legislation contains \$1.2 billion for the ATF, which is an increase of \$39 million above last year's level. The bill also includes long-standing funding prohibitions related to firearms privacy and records.
- **U.S. Marshals Service** – The Marshals Service is funded at \$1.2 billion in the bill, which is an increase of \$49 million above last year and \$70 million below the request. Within this funding, the conference agreement prioritizes sex offender apprehension and efforts to support border enforcement initiatives.
- **Federal Prison System** – The Bureau of Prisons is funded at \$6.6 billion, which is an increase of \$260 million above last year and \$182 million below the request. This funding will be used to activate recently constructed prisons to ensure safe and adequate facilities to house the nation's criminal population.
- **Grant Programs** – The bill includes a total of \$2.2 billion for various state and local law enforcement grant programs, which is \$570 million below last year's level and \$856 million below

the President's request. Due to the challenging budget environment, the conference agreement targets funding toward the highest priority grant programs with national reach.

## Science:

**National Aeronautics and Space Administration (NASA)** – NASA is funded at \$17.8 billion in the conference agreement, which is \$648 million below last year's level and \$924 million below the President's request. Highlights include:

- \$3.8 billion for Space Exploration, which is \$30 million below last year. This includes funding above the request for NASA to meet Congressionally mandated program deadlines for the Multi-Purpose Crew Vehicle and Space Launch System.
- \$4.2 billion for Space Operations, which is \$1.3 billion below last year's level. The agreement continues the closeout of the Space Shuttle program for a savings of more than \$1 billion.
- \$5.1 billion for NASA Science programs, which is \$155 million above last year's level. The agreement accommodates cost growth in the James Webb Space Telescope (JWST) by making commensurate reductions in other programs, and institutes several new oversight measures for JWST's continuing development.
- Language prohibiting NASA or the Office of Science and Technology Policy from engaging in bilateral activities with China unless authorized by Congress.

**National Science Foundation (NSF)** – The legislation funds NSF at \$7 billion, which is \$173 million above last year's level and \$734 million below the President's request. Within this funding, NSF's core research program is increased by \$155 million to enhance basic research critical to innovation and U.S. economic competitiveness.

## Policy Issues:

**Second Amendment Rights** – The conference agreement includes numerous provisions that protect the right to keep and bear arms. Three of these protections are made permanent law beginning in fiscal year 2012. These three provisions prohibit DOJ from consolidating firearms sales records, electronically retrieving the records of former firearms dealers, and maintaining information on persons who have passed firearms background checks. In addition, the conference agreement contains numerous one-year firearms protections, and new language prohibiting DOJ from requiring imported shotguns to meet a "sporting purposes" test.

**Gitmo** – The bill continues provisions related to Guantanamo Bay – including a prohibition on the transfer or release of any detainee into the U.S., and a prohibition on the acquisition or construction of any new prison to house detainees.

**Protection of Human Life** – The conference agreement includes important provisions to protect human life. These include a ban on abortion funding for federal prisoners and conscience protection for prison employees, and a prohibition on Legal Services Corporation funds for organizations that engage in abortion-related litigation.

**Transportation, Housing and Urban Development (THUD)** – The THUD section of the Conference report includes a base total of \$55.6 billion, an increase of \$183 million above last year's level, and a decrease of \$19.4 billion below the President's request.

**Transportation** – The conference agreement includes \$17.8 billion for the Department of Transportation for fiscal year 2012, which is \$4.1 billion above last year’s level and \$14.7 billion below the President’s request.

- **National Infrastructure Investments** – The conference agreement provides \$500 million for National Infrastructure Investments (commonly referred to as the TIGER program), and includes language prioritizing rail, highway, and transit projects that improve or expand existing systems.
- **Essential Air Service** – Essential Air Service is funded at \$144 million, and the legislation includes reform language to rein in the program by limiting funds to communities that received service during fiscal year 2010, or qualified for the program within 90 days prior to October 1, 2011.
- **Highways** – The conference agreement provides \$39.9 billion for the federal highway program, which is the annual spending level set by the latest surface transportation extension act. In addition, the agreement provides \$1.66 billion for the Federal Highway Administration’s Emergency Relief (ER) program, which assists states in rebuilding federal highways that were damaged by major natural disasters, such as Hurricane Irene and the flooding of the Missouri River.
- **Federal Aviation Administration (FAA)** – Included in the conference agreement is \$12.5 billion for the FAA, an increase of \$137 million over last year. The agreement provides \$3.35 billion for airports and \$2.7 billion for facilities and equipment. Language is included to restore the Block Aircraft Registry Request program (BARR) and to prohibit future changes to the program. Also included is \$878 million for FAA “NextGen” funding to ease congestion and reduce air traffic delays.
- **Rail** – The Federal Railroad Administration is funded at \$1.6 billion, which is \$6.6 billion below the President’s request and \$326 million above last year’s level. Of this amount, \$1.4 billion is targeted to Amtrak, primarily for capital improvements to the nation’s rail lines. The agreement also includes policy reforms for Amtrak – requiring overtime limits on Amtrak employees to reduce unnecessary costs, and reinstates a provision that prohibits federal funding for routes where Amtrak offers a discount of 50% or more off normal, peak fares. In addition, the agreement does NOT include funding for High Speed Rail or Intercity Passenger Rail Service.
- **Transit** – The conference agreement contains a total of \$2.1 billion for the Federal Transit Administration (FTA) – which is \$1.6 billion below the President’s request and an increase of \$515 million over last year. The legislation also provides \$8.3 billion in state and local bus grants, the same level as 2011. For “New Start” transit projects, the legislation provides \$1.9 billion, plus another \$188 million for new starts projects funded under the formula bus program. The conference report also includes language that prohibits FTA Full Funding Grant Agreements, if the project has a “New Starts” program funding share greater than 60% of the total project cost.

**Housing and Urban Development (HUD)** – The legislation includes a total of \$37.3 billion for the Department of Housing and Urban Development, a decrease of \$3.8 billion below last year’s level and \$4.7 billion below the President’s request.

- **Section 8 and Public Housing** – The agreement provides \$17.2 billion for Section 8 tenant-based voucher renewals, providing sufficient funding to renew every individual and family that received

assistance last year. The agreement also provides \$1.35 billion for administrative payments to local Public Housing Authorities (PHAs), and \$75 million for Veterans Affairs Supportive Housing vouchers. In Public Housing, the agreement provides \$1.85 billion for the capital program and \$3.96 billion, with a \$750 million offset, for operating expenses. Also included is \$120 million for the “Choice Neighborhoods” program, as well as funds for a Rental Assistance Demonstration project that will allow PHAs to leverage their resources to raise private capital.

The agreement also contains language to prohibit Section 8 and Public Housing dollars from paying Public Housing Agency employees over \$160,000 a year.

- **Community Planning and Development** – The conference agreement contains \$6.6 billion for the Community Planning and Development programs – a decrease of \$830 million below last year’s level and \$1.6 billion below the President’s request. The Community Development Block Grant program is funded at \$3.3 billion, which is \$192.9 million below last year’s funding level and \$473.3 million below the President’s request. The agreement allows up to a total of \$400 million to be used on eligible disaster recovery activities in the areas most affected and distressed by natural disasters this year. The agreement also includes several provisions to ensure tax dollars are well spent, including oversight reports on how community development program funds are used, reforms to the mismanaged HOME Investment Partnerships Program, and no funding for the unauthorized “Sustainable Communities” program.
- **Federal Home Loan Reform** – The bill does not increase the maximum loan limits for Fannie Mae and Freddie Mac. These entities have been under public scrutiny for their questionable businesses practices and use of billions in federal bailout funds, some of which have been used for extravagant management bonuses. The bill limits the increase in the conforming loan limits to only the Federal Housing Authority (FHA), which is subject to greater congressional scrutiny and oversight.

**For summary graph, please visit:**

[http://appropriations.house.gov/UploadedFiles/FY12\\_minibus\\_v\\_fy\\_11\\_fy\\_10\\_fy\\_12\\_pres.pdf](http://appropriations.house.gov/UploadedFiles/FY12_minibus_v_fy_11_fy_10_fy_12_pres.pdf)

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